

PATENT COOPERATION TREATY

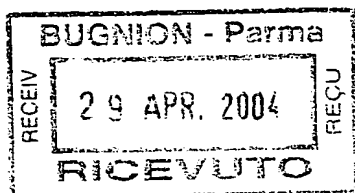
From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION (PCT Rule 66)

To:

Gotra, Stefano
BUGNION S.P.A.
Via Garibaldi, 22
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Date of mailing
(day/month/year)

29.04.2004

Applicant's or agent's file reference
91.R0063WO2

REPLY DUE

within 2 month(s)
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International application No.
PCT/IT 03/00175

International filing date (day/month/year)
24.03.2003

Priority date (day/month/year)
10.04.2002

International Patent Classification (IPC) or both national classification and IPC
B08B9/34, B08B9/34

Applicant
R. BARDI S.R.L.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 10.08.2004

Name and mailing address of the international preliminary examining authority:



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Authorized Officer

Plontz, N

Formalities officer (incl. extension of time limits)

Micheli, M

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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-5 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-3
Inventive step (IS)	Claims	4,5
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1 : DE-A-43 30 335 (von Friedrich H) 9 March 1995

2. The application does not fulfill the requirements of Article 6 PCT because claims 1-5 are not clear.
 - 2.1 The features "whilst said container rotates about its own central longitudinal axis" in the apparatus claim 1, "said star-shaped element being set in rotation by the actuation of the container" in the apparatus claim 2, relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from these claims.
 - 2.2 Claims 1 and 4 attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. This concerns the expressions "so shaped as to allow a rotation of the container about its own longitudinal axis", cf. claim 1 and "are so shaped that in each initial or terminal phase of the rotary motion, the two jets exiting the pair of nozzles internally clean the handle of the container", cf. claim 4. The technical features necessary for achieving this result should be added.
 - 2.3 Furthermore, as the handle, according to the preamble of claim, is a facultative feature, it cannot be used to characterise the jets according to claim 2.
 - 2.4 As there is no antecedent to series of nozzles, the expressions "provided on its own lateral surface of at least two series of nozzles" and "in a number equal to the number of nozzles of each series" in claim 2 cannot be used to characterise the apparatus.
Claim 3 defines the "series of nozzles", therefore, claims 2 and 3 should be combined to overcome this objection.
 - 2.5 Claims 1 and 5 are both independant apparatus category claims. Since claim 5 only contains technical features through reference to claims 1,2,3 or 4, the essentiality of the features for defining the subject-matter for which protection is

sought as meant in the PCT Guidelines C-III, 4.4 becomes doubtful, thereby causing lack of clarity of claims 1-5 and unconciseness of claims 1 and 5. It is therefore strongly suggested to delete claim 5.

3. The following statements are made in the light of the previous comments whereby it is to be considered that unclear features cannot be used for assessing novelty and inventive step in the sense of Article 33 PCT.

3.1 Document D1, as closest state of the art in respect of claim 1 discloses an apparatus **suitable for** (cf. PCT Guidelines C-III 4.8) washing the interior of containers (6) made of plastic material with a capacity ranging between 5 and 30 litres, the apparatus comprising : means for gripping the container (6) in upside down condition, spraying means (7,8) for spraying suitable cleaning liquid inside the container (6) whereby the spraying means comprise at least a pair of movable nozzles (2,3) so shaped as to produce at least a pair of rotating jets of cleaning fluid which simultaneously penetrate inside the container (6) through the mouth to clean the interior of the container (6).

Therefore the subject matter of claim 1 is deprived from novelty in the sense of Article 33(2) PCT.

3.2 Claims 2 and 3 do not appear to contain any additional features which, in combination with the features of any claim to which they refer meet the requirements of the PCT with respect to novelty and/or inventive step. the reasons being as follows :

- a rigid conduit (7) for feeding the cleaning fluid and a star-shaped element (10) made integral with said conduit (7) and provided with four idle rollers, according to claims 2 and 3 are known from D1.

3.3. Due to the conflicts with Article 6 PCT, novelty and inventive step of claim 4 can in this written opinion not be assessed.

4. The method feature of rotating the container about its own longitudinal axis, cf. claim 1 is not disclosed in the prior art document D1. If a new independant process claim in the two-part form containing this feature were to be filed, with the features known from D1 in its preamble (Rule 6.3(b) (ii) PCT) , novelty in the sense of Article 33 (2) PCT could be confirmed.

5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 is not mentioned in the description, nor is this document identified therein.
6. The applicant is invited to file new application documents which take into account of the following remarks :

The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

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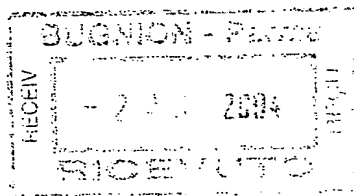
08 OCT 2004

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from the above date of mailing

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PCT/IT 03/00175

International filing date (day/month/year)
24.03.2003

Priority date (day/month/year)
10.04.2002

International Patent Classification (IPC) or both national classification and IPC
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Applicant
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1. This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
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Authorized Officer

Plontz, N

Formalities officer (incl. extension of time limits)

Micheli, M

Telephone No. +31 70 340-3606



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

- 1, 3-5 as originally filed
2 received on 27.05.2004 with letter of 17.05.2004

Claims, Numbers

- 1-6 received on 27.05.2004 with letter of 17.05.2004

Drawings, Sheets

- 1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

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- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
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- ☐ contained in the international application in written form.
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4. The amendments have resulted in the cancellation of:

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5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,2,4
Inventive step (IS)	Claims	3
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: DE 43 30 335 A (KRONSEDER MASCHF KRONES) 9 March 1995
D2: EP 0 134 830 A (HOLSTEIN & KAPPER GMBH) 27. März 1985

The document D2 was not cited in the international search report. A copy of the document is appended hereto.

2. The application does not fulfil the requirements of Article 6 PCT because claims 1-5 are not clear.
- 2.1 The expressions "so shaped as to produce at least a pair of rotating jets of cleaning fluid which simultaneously penetrate inside the container through the mouth to clean the interior of the container" in the apparatus claims 1 and 2, "in such a way as to produce parallel jets of cleaning fluid" in the apparatus claim 1 and "in such a way as to produce parallel jets of cleaning fluid which clean the interior of the container and the handle" in the apparatus claim 2 relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features and also attempt to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. The intended limitations are therefore not clear from these claims.
- 2.2 Claims 1,2 and 4 are independent apparatus category claims. Since claim 4 only contains technical features through reference to claims 1,2 or 3, the essentiality of the features for defining the subject-matter for which protection is sought as meant in the PCT Guidelines C-III, 4.4 becomes doubtful, thereby causing lack of clarity of claims 1-4 and unconciseness of claims 1 and 4.
- 2.3 Independant claims 1,2,4 and 5 contain different features. The essential features needed to define the invention are not clearly specified; there is an internal inconsistency and therefore lack of clarity in both claims, see also the PCT Guidelines, Chapter 5, 5.33.
- 2.4 The feature "said star-shaped element being set in rotation by the actuation of the

container" in the apparatus claim 3, relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim.

3. The following statements are made in the light of the previous comments whereby it is to be considered that unclear features cannot be employed for assessing novelty or inventive step in the sense of Article 33 PCT.

3.1 Apparatus claims 1-4

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,4 are not new in the sense of Article 33(2) PCT.

Claim 1 :

Document D2, as closest state of the art in respect of claim 1 discloses (see figures 1-3, abstract and claims) an apparatus **suitable for** (cf. PCT Guidelines C-III 4.8) washing the interior of containers (3) made of plastic material with a capacity ranging between 5 and 30 litres, of the type comprising :
means for gripping the container (3) in upside down condition,
spraying means for spraying suitable cleaning liquid inside the container (3), the spraying means comprising at least a pair of movable nozzles (I,II,III,IV) whereby the movable nozzles are defined on a lateral surface of a single rotating conduit.

Claim 2 :

Document D2, as closest state of the art in respect of claim 2 discloses (see figures 1-3, abstract and claims) an apparatus **suitable for** (cf. PCT Guidelines C-III 4.8) washing the interior of containers (3) made of plastic material with a capacity ranging between 5 and 30 litres and provided with a handle to facilitate their handling, of the type comprising:
means for gripping the container (3) in upside down condition,
spraying means for spraying suitable cleaning liquid inside the container (3), the spraying means comprising at least a pair of movable nozzles (I,II,III,IV) whereby the movable nozzles are defined on a lateral surface of a single rotating conduit.

Claim 4 :

Document D2 also discloses a machine for washing containers whereby it

comprises an apparatus as claimed in claim 1.

Dependent claim 3 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step, because a spraying means comprising a rigid conduit for feeding the cleaning fluid provided on its own lateral surface of at least two series of four nozzles and a star shaped element made integral with said conduit and provided with for rollers is known from D1 in combination with D2.

3.2 Process claims 5,6

Document D1, as closest state of the art in respect of claim 1 discloses an process **suitable for** (cf. PCT Guidelines C-III 4.8) washing the interior of containers (6) made of plastic material with a capacity ranging between 5 and 30 litres and provided with a handle to facilitate their handling, of the type comprising the following phases:

gripping the container (6) in upside down condition,
spraying suitable cleaning liquid (4,5) inside the container through movable nozzles (2,3) producing at least a pair of rotating jets of cleaning fluid which simultaneously penetrate inside the container (6) through the mouth to clean the interior of the container.

The subject-matter of claim 5 differs from this known process in that the container rotates about its own longitudinal axis during the spraying phases and the jets of cleaning fluid are parallel and clean the interior of the container and of the handle

The subject-matter of claim 5 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as improving the cleaning of the handle (see page 1, lines 20-22 of the description)

The solution to this problem proposed in claim 5 of the present application is not suggested nor rendered obvious by the cited prior art and is therefore considered as involving an inventive step (Article 33(3) PCT).

Claim 6 is dependent on claim 5 and as such also meets the requirements of the PCT with respect to novelty and inventive step.

4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D2 is not mentioned in the description, nor is this document identified therein.
5. The applicant is invited to file new application documents which take into account of the comments stated above.